

FILED

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 15-50399  
USDC No. 5:14-CV-852-DAE ✓  
\_\_\_\_\_



DISTRICT COURT  
DISTRICT OF TEXAS  
DEPUTY

A True Copy  
Certified order issued Feb 04, 2016

*Lytle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

DAN GRANDBERRY,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

\_\_\_\_\_  
Appeal from the United States District Court for the  
Western District of Texas, San Antonio  
\_\_\_\_\_

O R D E R:

A jury convicted Dan Grandberry, Texas prisoner #1685729, of two counts of aggravated sexual assault of a child and two counts of indecency with a child. He now moves this court for a certificate of appealability (COA) so that he may appeal the district court's decision to dismiss as time barred and deny as meritless his 28 U.S.C. § 2254 application.

This court will grant Grandberry a COA if he makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). That is, he must establish that reasonable jurists would find the decision to deny relief debatable or wrong, see *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000), or that the issue he

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presents deserves encouragement to proceed further, *see Miller-El*, 537 U.S. at 327. Grandberry has not shown that reasonable jurists would debate the district court's decision that his application is time barred. Accordingly, his motion for a COA is DENIED.

A handwritten signature in black ink, reading "Edward C. Prado". The signature is written in a cursive, flowing style. The first name "Edward" is written with a large, prominent "E". The middle initial "C." is smaller and follows the first name. The last name "Prado" is written with a large, prominent "P".

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EDWARD C. PRADO  
UNITED STATES CIRCUIT JUDGE